

EXHIBIT 5



CERTIFICATION

Completed Transcript: Cigarette Sales Discussion (19-05919)

Audio Source: Cigarette Sales Discussion 500-530 (19-05919).wav
Cigarette Sales Discussion 645-750 (19-05919).wav
Cigarette Sales Discussion 845-910 (19-05919).wav

Matter Number: 2019-041691

Case Name: CITY OF NEW YORK VS CIGARETTES UNLIMITED

I hereby certify that the following document is an accurate transcription, to the best of my ability, of the audio source referenced above.

/s/ Chelsea Jackson _____
CHELSEA JACKSON

Cigarette Sales Discussion 500-530 (19-05919)

TITTLE: I mean and all of sudden you're taking them out of your black trash bags and putting (unclear)?

PETERS-BRANDON: I mean. It's -- It's all rang up and all that. So I mean, I didn't know it was illegal for me to sell cigarettes out of my store. Know what I mean?

TITLE: Legitimately, yes. That -- that there's --

PETERS-BRANDON: But I didn't know like the aspects of me selling to out of
towners is illegal. Know what I mean? I just -- I'm just told --

TITTLE: So how -- how does John explain it to you?

PETERS-BRANDON: That we have buyers coming down and ring them up. And count the cash. Make sure the cash is right, and --

TITTLE: Uh-huh.

PETERS-BRANDON: -- then drop the money. As simple as that. Like I had two managers before I got my (unclear) job.

TITLE: Okay.

END OF AUDIO FILE

Cigarette Sales Discussion 645-750 (19-05919)

TITTLE: All that stuff man.

PETERS-BRANDON: Right.

TITTLE: So I mean you're being relatively naïve about, you know, the legality of how to sell cigarettes.

PETERS-BRANDON: Right. Right. Right.

TITLE: I get it. You're doing what you're told.

PETERS-BRANDON: But yeah --

1 TITTLE: Did you ever think at all that it was something that didn't kind of
2 seem right like -- A legitimate sale of cigarettes now -- now track
3 with me --

4 PETERS-BRANDON: Uh-huh.

5 TITTLE: I come to the business. I -- I want ten cartons of cigarettes.

6 PETERS-BRANDON: Uh-huh.

7 TITTLE: Is -- is it common that you put all items like that in a black trash
8 bag?

9 PETERS-BRANDON: I mean for buyers, yes.

10 TITTLE: Well buyers from like New York or you're talking about just
11 regular your everyday customers?

12 PETERS-BRANDON: I mean everyday -- I mean buyers like from out of state I
13 guess. Know what I mean? Like cause I mean that's what they was
14 doing, hear me out. When I started here, that's what it's always
15 been. Like so I didn't know like -- I was always told it's not illegal
16 for us to sell to somebody in VA. What is illegal is for them to take
17 it across state lines.

18 TITTLE: Yeah.

19 PETERS-BRANDON: So when I sell it out of this store, I'm thinking I'm okay.
20 You know what I mean cause I -- I'm not -- I'm not taking it over
21 state lines. I'm just doing my job --

22 TITTLE: Yeah you're not, no.

23 PETERS-BRANDON: -- I'm just doing what I'm told.

24 TITTLE: (Unclear).

25 PETERS-BRANDON: You know, I earn a paycheck and that's -- that's --

1 TITTLE: I get you.

2 PETERS-BRANDON: -- that's what it is. Like I don't -- I don't do --

3 **END OF AUDIO FILE**

4 **Cigarette Sales Discussion 845-910 (19-05919)**

5 TITTLE: This is crazy to me. Like I didn't realize, like, I was doing
6 something wrong like, you know what I'm mean ,like --

7 PETERS-BRANDON: Yeah. Well --

8 TITTLE: I mean don't get it wrong. Like I know it's -- it's illegal for them to
9 take it across state lines. But I didn't know it was illegal for me to
10 sell it to them.

11 PETERS-BRANDON: I gotta, yeah.

12 TITTLE: I mean because my boss just told me, "These people are coming.
13 Ring them up." Do it like that.

14 PETERS-BRANDON: (Unclear).

15 TITTLE: And I'm like -- I'm literally just an employee here, like --

16 PETERS-BRANDON: So does -- does he call you and tell you who's coming?

17 **END OF AUDIO FILE**